IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
APPEAL FROM ORDER NO.416 OF 1998

Kakad Co-operative Housing Society Ltd. Appellants

Vs.

Bombay Suburban Electric Supply Ltd. & ors. Respondents

Mr.M.R.Irani with Ms.Geeta Shastri for appellants.

Mr.Prashant Kulkarni i/b M/s.Zohair & Co. for resp.nos.2 to 4.

CORAM: B.H.MARLAPALLE,J.

June 08, 2005.

ORAL ORDER:

1. The appellant-Society has filed Short Cause Suit No.6237 of 1997 for declaration and injunction before the City Civil Court at Mumbai and in the said Suit Notice of Motion No.5892 of 1997 was taken out for the relief of temporary injunction. The said Notice of Motion came to be rejected by the impugned order dated 31/3/1998. While admitting this appeal an order of status quo to be maintained between the parties was also passed on 27/4/1998 and the said order continues to operate all along. Admittedly the trial of the Suit was not stayed and it is stated by the learned counsel for the respective parties that the suit is at the stage of framing of issues as at present.

2. The learned counsel for the parties agree that the pending suit deserves to be decided expeditiously by maintaining the order of status quo. Hence this appeal is

disposed off and it is directed that Short Cause Suit No.6237 of 1997 be heard and decided on its own merits as expeditiously as possible and preferably before 31st May 2006 and till the said suit is decided, the order of status quo granted by this Court on 27/4/1998 shall continue to operate between the parties in respect of the suit structure (sub-station). No costs. Writ to be sent forthwith.

(B.H.MARLAPALLE,J.)